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PATENT
Customer No. 22,852
Attorney Docket No. 7883.0004-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Scott J. WOLF et al.) Group Art Unit: 3762
)
Serial No.: 10/681,323) Examiner: P. BIANCO
)
Filed: October 9, 2003)
) Confirmation No.: 3366
For: LEFT VENTRICULAR CONDUITS)
TO CORONARY ARTERIES AND)
METHODS FOR CORONARY)
BYPASS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated May 17, 2004, the period for response having been extended to July 17, 2004 by a Petition for Extension of Time - One Month and fee payment filed herewith, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 46-69 & 85, allegedly drawn to delivery devices and methods of using to deliver conduits to heart wall;
- II. Claims 70, allegedly drawn to a method for introducing a guidewire through a coronary vessel; and
- III. Claims 71-84, allegedly drawn to a fluid shunt/conduit/stent.

Without necessarily agreeing with the characterizations made in the restriction requirement, Applicants provisionally elect to prosecute Group I, claims 46-69 and 85.

In addition, the Examiner required Applicants, if electing claim Group I, to elect one of the following species for prosecution:

Species A: Figs. 1A-E, 3, 4, 5, and 5A-5C;

Species B: Fig. 2;

Species C: Figs. 10A-10C;

Species D: Figs. 14A-B and 15;

Species E: Fig. 7;

Species F: Fig. 9;

Species G: Figs. 16 and 16A;

Species H: Figs. 16C and 16D;

Species I: Figs. 16E and 16F;

Species J: Figs. 16G-16I;

Species K: Figs. 16J-16N;

Species L: Figs. 16O-16S;

Species M: Figs. 17 and 18;

Species N: Figs. 19A-19C;

Species O: Figs. 20A-20B;

Species P: Figs. 22, 22A, and 22B;

Species Q: Fig. 33A; and

Species R: Figs. 39A-39B;


Without necessarily agreeing with the characterizations made in the election requirement, Applicants provisionally elect to prosecute Species A including Figs. 1A-E, 3, 4, 5, and 5A-5C. The claims from elected Group I readable on Species A include claims 46, 48, 50-57, and 59-63.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 28, 2004

By: 
Michael W. Kim
Reg. No. 51,880